

Atty Docket No. JCLA7632

Serial No. 10/013,981

REMARKS**Present Status of the Application**

Claims 1-14 are pending of which claims 1, 2, 3, 6,7, 9, 10, 11 and 12 have been amended without prejudice or disclaimer in order to more explicitly describe the claimed invention. Further, Figs. 1, 2 and 3 in the drawings are amended as shown in three separate accompanying pages, wherein Figs.1 and 3 are amended so that blank boxes in these two drawings are labeled. In addition, Fig.2 in the present application should be replaced by the Fig.2 in its corresponding Taiwan invention application with application number 90,125,507, which is received by USPTO as a certified copy of the priority documents. Applicants respectfully submit that upon acceptance of the proposed amendment to Figures 1, 2 and 3 by the Examiner and allowance of this application, a formal corrected drawing will be submitted. It is believed that no new matter adds by way of amendments made to claims or otherwise to the application. For at least the foregoing reasons, applicants respectfully submit that claims 1-14 patentably define over prior art of record and reconsideration of this application is respectfully requested.

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Discussion of objection to Specification

The abstract of the disclosure is objected because it is not clear of what it mean by "The infrared transmission head is coupled to the infrared transmission head through an infrared controller"

In response thereto, applicants would like to thank the Examiner for pointing out the informalities in the abstract. Therefore, the sentence of "The infrared transmission head is coupled to the infrared transmission head through an infrared controller" as disclosed in the ABSTRACT is amended to the sentence of "The infrared transmission head is coupled to an infrared controller" as disclosed in the amended ABSTRACT.

Discussion of objection to Drawings

2. The drawings are objected to because the blank boxes in Figs. 1, 2 and 3 should be labeled. For example, in Fig.1, the blank boxes such as 100, 400 and 300 should be labeled.

In response thereto, Figs. 1, 2 and 3 in the drawings are amended as shown in three separate accompanying pages, wherein Figs.1 and 3 are amended so that blank boxes in these two drawings are labeled. In addition, as mentioned in the foregoing, Fig.2 in the present application should be replaced by the Fig.2 in its corresponding Taiwan invention application with application number 90,125,507, which is received by USPTO as a certified copy of the priority documents. Applicants respectfully submit that upon acceptance of the proposed amendment to Figures 1, 2 and 3 by the Examiner and allowance of this application, a formal corrected drawing will be submitted

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Discussion of objections to claim because of informalities

3. *Claim 1 is objected to because of the following informalities: "test band "on line 13 should be corrected to "test brand name."*

In response thereto, applicants would like to thank the Examiner for pointing out the informalities and accordingly applicants amended "test band name" as disclosed on line 13 in claim 1 to "test brand name" as claimed in the claim 1 so that the amended claim 1 has no any informality.

Discussion of the claim rejection under 35 USC 112

5. *Claim 1-14 are rejected under U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 1 and 6 which claim both an apparatus and the method of using an apparatus are indefinite under U.S.C. 112, second paragraph.

6. *Claim 1-14 are rejected under U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of the invention set forth in 35 U.S.C. 101.*

In response thereto, independent claims 1 and 6 are properly amended so that they definitely claim that the subject matter of the present application is a method for identifying-infrared-transmission-head processes, not an apparatus for identifying-infrared-transmission-head processes. In the amended independent claims 1 and 6, every execution action is amended to be associated to its corresponding object in order to definitely disclose how every action is executed. Moreover, indefinite descriptions in the dependent claims 2-5 and 7-14 can be overcome because their base independent claims 1 and 6

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definitely claim that the subject matter of the present application is a method for identifying-infrared-transmission-head processes

Discussion of the claim rejection because of informalities

- 7. Claim 1 recites the limitation "said step" in line 4. There is insufficient antecedent basis for this limitation in the claim.*
- 8. Claim 2 recites the limitation "said step" in line 19. There is insufficient antecedent basis for this limitation in the claim.*
- 9. Claim 6 recites the limitation "said step" in line 8 and limitation "said test brand name" in line 12. There is insufficient antecedent basis for this limitation in the claim.*
- 10. Claim 12 recites the limitation "said test brand name" in line 8. There is insufficient antecedent basis for this limitation in the claim.*

In response thereto, applicants amend all phrases of "said step of" in line 4 in claim 1, in line 19 in claim 2 and in line 8 in claim 6 to a phrase of "the following step:." In addition, applicants amend the phrase of "said test brand name" in line 8 in claim 12 to a phrase of "a test brand name." Therefore, claims 1, 2, 6 and 12 have no any informality.

Discussion of the claim rejection under 35 USC 102

- 12. Claims 1, 2, 6, 8, 9, 10 and 12 are rejected under 35 USC 102 (b) as being anticipated by Kamon et al. (US Patent No.5,726,645)
Regarding to claims 1, 6, and 8-11, referring to figures 1 and 6, Kamon discloses a transmission method for identifying infrared transmission head functions (see abstract) through an infrared controller (remote*

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controller, fig.6) coupled to an infrared transmission head (10b, fig.6) the method comprising the steps of setting the infrared controller in a test circuit mode (see fig.7, col. 5, lines 8-25 and col.6, lines 36-41, i.e. the steps of presenting data selecting and setting mode is corresponding to setting the infrared controller in a test circuit mode).

Applicants respectfully disagree and traverse the above rejections as follows.

From lines 8-11, in pages 8 and step S610 in Fig.4 in the present application, there discloses "The infrared controller 100 is programmed and then the test data is transmitted to the infrared transmission head 300. In the meantime, the infrared controller 100 also receives test data from the infrared transmission head 300." Therefore, independent claims 1 and 6 are amended to include "wherein said infrared controller's sending out transmission test data and said infrared controller's receiving test data occur concurrently." as claimed in the amended independent claims 1 and 6. The U.S. Patent No. 5,726,645 (hereinafter, referred to Kamon) discloses that the operation mode of an apparatus to be controlled can be automatically detected, and the type, the manufacturer and the format of the apparatus can be identified from the command signal transmitted. However, in Kamon, the step S104 and the step S105 in fig.7 and their corresponding description in col. 6, lines 43-55 shows that first, a command signal among command signal group associated with preset number n is output and the control portion 4 then proceeds to step S105 to enable the input of the detection signal from the operation detecting circuit 10, based on which whether the electronic apparatus responds to the command signal is determined. As a result, Kamon discloses that the timing of input of the detection signal from the operation detecting circuit 10 is different that of the output of the

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command signal among command signal group associated with preset number n, which is distinct from “wherein said infrared controller’s sending out transmission test data and said infrared controller’s receiving test data occur concurrently.” as claimed in the amended independent claims 1 and 6 in the present application. In other words, Kamon fails to teach, suggest or disclose “wherein said infrared controller’s sending out transmission test data and said infrared controller’s receiving test data occur concurrently.” as claimed and mainly featured in the amended independent claims 1 and 6. As a result, based on prima facie case of anticipation, the present application is not anticipated by Kamon because it fails to include a implemented means of “wherein said infrared controller’s sending out transmission test data and said infrared controller’s receiving test data occur concurrently.” as mainly featured in the amended independent claims 1 and 6. Therefore, the amended independent claims 1 and 6 is patentable over Kamon under 35 USC 102 (b)

Furthermore, dependent claims including the amended claims 3, 9, 10, 11 and 12, as well as non-amended claims 4, 5,8 are also patentable over Kamon under 35 USC 102 (b), for at least the reason that these dependent claims contains all features of their amended independent claim 1 and 6.

Discussion of the claim rejection under 35 USC 103(a)

4. Claims 3-5, 7, 13 14 are rejected under 35 USC 103(a) as being unpatentable over Kamon et al. (US Patent No.5,726,645) in view of the Prior Art Figs. 1 and 2.

However, Prior Art Fig.2 discloses an infrared controller (100, fig.2) including s direct access memory partitioned into two separate groups (510,520, fig2) and

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the infrared controller of the Prior Art Fig.2 supports simultaneous data transmission and reception. Therefore, it would be obvious to one having ordinary skill to incorporate Prior Art Fig.2 into the system of Kamon.

In response thereto, Applicants respectfully disagree and traverse the above rejections as follows. From the amended Fig.2 and paragraph [0004] in the specification in the present application, as well as discussed in the foregoing “In The Drawings”, the Applicant’s Admitted Prior Art (AAPA) does not disclose any phrase to support “prior art infrared controller 100 is partitioned into two separate direct access memory” as alleged by the Examiner. As a result, there is no reason for one having ordinary skill to incorporate Prior Art Fig.2 into the system of Kamon. Therefore, the amended dependent claims 3, 7 and non-amended claims 4, 5, 13, 14 are patentable over Kamon in view of AAPA not only under 35 USC 103(a) but under 35 USC 102 (b).

In addition, claims 5 and 14 are patentable over Kamon in view of AAPA as a matter of law, for at least the reason that claims 5 and 14 contain all features of their amended independent claim 1 and 6.

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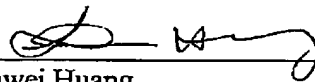
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-14 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,
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